

BROOKLYN NEWS.

MUST NOT DISTURB THE DEAD

"Boss" Fergusson Wants to Cut Streets Through a Cemetery.

Justice Bartlett Takes a Hand and Refuses to Allow It.

Justice Bartlett, of the Supreme Court, Brooklyn, this morning broke up the plans of the Highway Commissioners of the town of New Utrecht, by refusing to allow them to cut West street through Washington Cemetery, between Twenty-first and Twenty-second avenues.

"Boss" Fergusson and his followers have been trying to cut up Washington Cemetery by opening streets through it for some time.

Justice Bartlett's decision has headed them off for a time, at least.

The cemetery is owned by Hebrews, whose aversion to having the bodies of their dead disturbed is well known.

DYMATTO MAY NOT SURVIVE.

His Assailant, Simon Rund, Alleges Self-Defense.

Simon Rund was held in the Lee Avenue Court, Williamsburg, to-day, to await the result of the injuries of Tony Dymatto, who is now in the Eastern District Hospital, in a very critical condition.

Rund is a tall and powerful-looking Italian, while Dymatto is fifty-three years old and feeble. About 3 o'clock yesterday afternoon, the two men were in the saloon of Tony Dymatto, at Withers street and Union avenue.

Rund had ordered some beer and, drinking, refused to pay for it. Dymatto told Rund that he ought to be ashamed of himself, and then the two men began to fight.

Dymatto had started to the old man's assistance, when Rund picked up an umbrella and knocked out the old man's left eye.

Rund then ran away and was arrested later by Officer O'Connor, who was one of a number of policemen detailed in citizen's clothes to find him. When arrested, Rund claimed that he was one of a number of policemen detailed in citizen's clothes to find him.

When he was picked up, he was one of a number of policemen detailed in citizen's clothes to find him.

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ANOTHER MOVE FOR M'KANE.

Judge Lacombe to Hear a Motion to Show Cause.

Counsel Want a Writ of Habeas Corpus to Issue.

Attorneys Atchison and Griffen, of counsel for McKane, appeared before Judge Lacombe in the United States Circuit to-day to argue a motion to show cause why a writ of habeas corpus should not issue while an appeal in McKane's case is pending in the United States Supreme Court.

This motion is the logical sequel of an application for a writ of habeas corpus made by the same attorneys about two weeks ago in the same court. The application was denied, and an appeal to the Supreme Court was taken.

McKane's counsel claim that under the United States statute a defendant has the option of bail pending an appeal, and it is to secure this privilege that the motion is made to-day.

When the case was called, Edward M. Shepard, representing the Attorney-General, asked for an adjournment until April 30, on the ground that the application pending in the United States Supreme Court would be heard shortly.

The principle involved adjudicated by the superior court.

"If the point contended for by the attorneys for McKane is good from a legal standpoint, then as a general proposition all accused persons are entitled to their liberty, both before and after conviction," said Mr. Shepard.

"Then again an application of this character should be made, signed and verified by McKane in person. This application has neither his signature nor verification."

Counsel Atchison stated that a statute of the United States was being violated by McKane's retention in Sing Sing. It was a case in which personal liberty was restrained, and he claimed the right to be heard to-day.

"I shall not enter an objection, but there are eight hours of solid argument ahead of you on the calendar," said Judge Lacombe.

"These are cases involving civil responsibility. Your Honor. This is one of personal liberty," said Mr. Atchison.

"I will hear you after I call the calendar," replied the Judge.

OBJECT TO THE TUNNEL.

Brooklyn Taxpayers Say It Opens the Way to Fraud.

A large delegation of taxpayers assembled in Mayor Schermer's office in the Brooklyn City Hall this morning to protest against the passage of the bill before the Legislature providing for a tunnel under Newtown Creek. They are in favor of a bridge.

Lawyer Stephen M. Hoye, who headed the delegation, said that the purpose of the bill was to benefit the Brooklyn City Railroad Company and to provide security for the city's debt.

"One of the Commissioners appointed to the bill," said he, "is ex-Senator P. H. McGowan, who is doing all in his power to defeat the plans of the taxpayers."

"If the taxpayers demand a law, Mr. McGowan and the other Commissioners will spend millions without accounting for a penny of it," he said.

Mayor Schermer assured the taxpayers that he was not in favor of the tunnel scheme, nor the bill appointing Mr. McGowan and the other Commissioners.

The citizens that Gov. Flower would veto the bill if it was passed.

BACHELORS' BALL TO-NIGHT.

Naval Officers Expected to Attend the Sweet Affairs.

The gay and brilliant bachelors of Brooklyn will give their third annual ball to-night, which is regarded as one of the society events of the season. The ball will be given at the Pough mansion, in Clinton avenue. Elaborate preparations have been made for the event, and the decorations will be of the most beautiful description.

Besides palms, silk banners and banks of flowers, there will be a large archway overhanging the staircase. Dancing will begin at 10:30. There will be no cotillion supper, which was served at midnight.

Among the guests expected are Capt. and Mrs. J. N. Miller, U. S. S. Vermont; Col. and Mrs. James M. Smith, U. S. S. Raleigh; Lieut. Henry Minett, U. S. S. "Puller."

A "MULL" MAY NOT SAVE HIM.

If Found Guilty, Joseph Leopold Will Go to the Penitentiary.

Joseph Leopold, of 74 Troutman street, was held in the Ewen Street Court, Williamsburg, to-day, on a charge of disorderly conduct.

Last night Leopold was riding on a Graham avenue car and became involved in an altercation with the conductor. He was put off after a struggle.

In the course of which he assaulted a policeman and was locked up.

Leopold is a brother-in-law of John H. Schermer, who was a prominent candidate for a position in Mayor Schermer's cabinet.

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LEWISON'S ART TREASURES. BEARS QUICKLY ROUTED.

Schumann Says They Were on Stock Dealings Attended with Display and Not for Sale.

Seized Upon the Testimony of a Customs Official.

Highest Prices of the Week Secured in Many Instances.

In the seizure-room of the Custom House, at the Barge Office, to-day, were stored four large oil-paintings by Kray, and a number of smaller paintings by the same artist, valued at \$10,000, and a collection of curious Chinese carvings, valued at \$7,000, making a total valuation of \$17,000.

These articles were seized yesterday by Custom-House Inspectors A. T. McDonald and S. J. Cooper in the jewelry and art store of C. W. Schumann's Sons, at 837 Broadway. They are the property of Lewis Lewison, a retired millionaire jeweler, of San Francisco.

The property was brought to New York from Europe last December by Mrs. Sophia Lewison, Mr. Lewison's wife. When the goods arrived here they were booked as merchandise, but Mrs. Lewison took an oath that the property was hers and intended for her own private use only, and so they were allowed to enter without paying the usual duties.

Appraiser Demarest, who inspected the goods when they arrived here last year, happened to pass Schumann's store recently, and saw displayed in the window two carved ivory statues, which he recognized as the property of Lewis Lewison. As he reported to Collector McDonald, he went into the store and inspected the property.

He was told, so he says, \$400 for the pair. Under instructions from the Collector, Inspector Cooper and McDonald applied to Justice McMahon in the Jefferson Market Police Court yesterday and secured a search warrant on their own behalf that the property had been declared unlawful and then offered for sale.

Mrs. Sophia Lewison is now residing at a fashionable boarding-house, 325 West Fifty-seventh street. Neither she nor any member of the Lewison family was at home this morning. Mrs. Baker, the landlady, however, said that she was familiar with the circumstances of the seizure. She stated that the articles in question were not part of the Lewison household decorations in Europe for fifteen years.

When Mrs. Lewison brought them here last year her new house was not ready, so she stored them with Mr. Schumann, a friend of her husband's, at 837 Broadway. At Easter, Mr. Schumann had asked to be allowed to use some of them for his window display, and the request was granted. If Mr. Schumann had offered to sell them, they would have been sold.

"I am not sure," said Mr. Schumann, "that I am not mistaken, as they were positively not for sale."

"The goods were not for sale," said Mr. Schumann, "but they were not mine. I simply exhibited them for the purpose of the window display."

SHEEP HERDS BARRED OUT.

Gov. Waite Issues a Proclamation, and Trouble May Follow.

(By Associated Press.) DENVER, Col., April 6.—Gov. Waite to-day issued a proclamation forbidding entrance to the State from Utah of all sheep without a clean bill of health. This shuts out 150,000 Utah sheep, and Colorado cattlemen are credited with threatening to maintain the quarantine for ten days, which will ruin the sheep.

Prospectors from Grand Junction say a large herd is headed for Colorado, accompanied by forty-five armed men, and 4,000 sheep are reported coming on the Grand and with 100 armed cattle-men riding and armed men on horseback. The sheep are crossing the State Colorado near Fruita, and all classes of citizens are protesting to resist their movements.

They have ruined the grazing lands in Utah and Nevada, and the approaching herd would also ruin the Grand River country in this State and pollute Gunnison River.

ANSWERED A BOGUS "AD."

New Netherlands Hotel's Agent Annoyed by Applicants for Positions.

There has been a steady stream of callers at the residence of Charles A. Peabody, Jr., 13 Park avenue, since Wednesday morning. The callers are many callers at Mr. Peabody's office, 2 Wall street, and another contingent has waited upon Mr. Wright, who is in charge of the empty New Netherlands Hotel.

All came in answer to a bogus advertisement which some impractical joker had inserted in the morning paper. The advertisement was a "Want." It called for hotel boys for every department of William Waldorf Astor's hotel, and it was difficult to persuade the callers that no hotel was being built, and that Mr. Peabody, who is Mr. Astor's well-known representative, had not signed the advertisement.

Therefore, bell boys, hotel clerks, chambermaids and cooks have taken up most of the time of Mr. Peabody's servants, and his office boys and Mr. Wright for the past three days.

ELEPHANT FOR SECURITY.

New Orleans Lawyer Finds the Beast Costly Collateral.

(By Associated Press.) NEW ORLEANS, April 6.—A prominent lawyer of the city has a real live elephant on his hands. The Davis circus has been exhibiting here to poor business, and the proprietor, to raise money for interest and expenses, consulted the lawyer, who agreed to advance the necessary funds, taking the elephant as security.

What is bothering him, and he is at present in what to do with the beast, as it is eating him into poverty.

ONE KILLED, THREE HURT.

Side Road of a Lehigh Valley Locomotive Breaks Near Batavia.

(By Associated Press.) BATAVIA, April 6.—The side rod of an engine which was running light between Batavia and Upton on the Lehigh Valley road broke yesterday. There were seven men on the engine. J. L. King, of Manchester, the engineer, was instantly killed. John J. Rooney, of this village, was badly cut and scalded, and will die. Two other men, James Amann, of Batavia, and John C. Caldwell, were also severely injured.

Shot Three People and Escaped.

(By Associated Press.) CHARLESTON, W. Va., April 6.—James Smith shot and killed Louise Brown, fatally wounded Jim Brown, her husband, and seriously wounded Sarah Brown at Cedar last Wednesday night. What he was intending to shoot Sarah Brown, and shot the other two in the dark while trying to murder her, he made his escape.

Typhoid Epidemic at Windsor, Vt.

(By Associated Press.) WINDSOR, Vt., April 6.—The epidemic of typhoid fever here has assumed alarming proportions. Over one hundred cases have been reported, few deaths have occurred as yet. The State board of health are here on a special mission. It is thought that all cases can be traced to the pollution of the water supply.

Hill & Co. 259 AND 261 SIXTH AVENUE.

For Saturday, SPECIAL BARGAINS IN LADIES' CAPES AND JACKETS.

which will be found the best values shown this season. Every garment of the very latest style, materials and trimmings.

BROADCLOTH CAPES.

In Black, Tans, Apr.

\$1.98, value 4.00

\$2.98, value 6.00

\$3.98, value 8.00

\$4.98, value 9.50

\$5.98, value 10.00

MOIRE CAPES.

Silk-lined and richly trimmed with Tulle. Parapetments.

\$9.98, value 15.00

\$10.98, value 16.00

\$11.98, value 17.00

\$12.98, value 20.00

SPRING JACKETS.

Black, Tan, Blue, Apr. In Black, Blue, Tan, Brown, Green, Navy, etc.

\$1.98, value \$3.98

\$2.98, value \$5.98

\$3.98, value \$7.00

\$4.98, value \$9.00

\$5.98, value \$10.00

\$6.98, value \$10.50

HILL & CO.,

Sixth Ave., between 15th and 17th Sts.

WORE "HIGH-TIDE" TROUSERS

Capt. Shepard Didn't Like to Have His Lads' Clothes Criticized.

Now He Is Court-Martialed for Being "Sassy."

The court-martial of Capt. Edwin M. Shepard, of the New York City Police, for "conduct prejudicial to good order and discipline," was begun at the Navy-Yard in Brooklyn to-day.

The court-martial is the result of a letter sent by Capt. Francis Buncie, of the Newport enlistment station, to the Bureau of Naval Regulations, in which he complained of the ill-fitting working clothes worn by some of the apprentices sent from the receiving ship Minnesota to the enlistment station.

Some of their trousers were, he said, "high-tide," and others fell in ample folds over the lads' feet by reason of their extreme length.

There was slack enough in some to make a fair-sized topknot, and others were so tight that the boys had to stand at mess.

Capt. Shepard became angry when asked by the Department to explain and make a little better himself. It was the last paragraph of his letter which was considered by Secretary Herbert as "sassy," and, therefore, prejudicial to good order and discipline. It was to the effect that Capt. Shepard was trying to make a little better himself by making it appear that he was very particular about the appearance of his lads, and that he was making capital of this at the expense of his brother officers.

Judge Advocate Marx began and ended the prosecution's case by reading the charge, which was that the captain had said no officer shall criticize the motives of another in any official action.

George E. Becker, who testified to having written for the captain a letter of apology on March 25, three days after he had sent the objectionable letter. The letter of apology was submitted to the judge and before the charges were preferred.

Lieut. Walter J. Sears testified that during his service under Capt. Shepard he had seen the captain's letter and that he was very sorry and left his case in the hands of the court, whose members all knew him well.

The court then began the consideration of the case behind closed doors.

O'Neill's 6th Ave., 20th to 21st St., WILL OFFER

To-Morrow, Saturday, Special Value IN

BOYS' SUITS & REEFERS.

All-Wool CHEVIOT, CASSIMERE & TRICOT SUITS, 5 to 15 years.

3.98 and 4.98.

FLANNEL and CHEVIOT REEFERS, handsomely braided, 2½ to 8 years.

2.48 and 3.75.

All-Wool SAILOR SUITS, in Serge, Cheviot and Flannel, 3 to 10 years.

3.48 to 12.00.

LONG PANTS SUITS, in Cheviot, Cassimere, Serges and Worsteds, 13 to 19 years.

7.48 to 22.00.

SWEATERS,

ALL WOOL, Blue, Gray, White, Black, 1.98.

H. O'NEILL & CO.,

6TH AVE., 20TH TO 21ST ST.

NEW JERSEY.

GEN. EARLE IN MORE TROUBLE

The Hotel Normandie-by-the-Sea, Near Seabright, Seized.

Levied Upon to Satisfy Belnecke & Co.'s Judgment of \$6,500.

ASBURY PARK, N. J., April 6.—Sheriff Woodbury has seized the Hotel Normandie-by-the-Sea, just north of Seabright, on a judgment in favor of Belnecke & Co., of New York City.

The judgment is against Gen. Ferdinand P. Earle, late lessee of the Hotel Normandie, of New York, for unpaid bills furnished that house. Belnecke & Co. sent here and seized the Hotel Normandie, which is also run by Gen. Earle.

Sheriff Woodbury's levy includes the hotel and furniture. The judgment is for \$6,500.

Troubles seem to have come thick and fast upon Gen. Earle. It is only two weeks ago yesterday that he was expelled from the palatial New Netherlands Hotel, where he contracted a meat bill of \$1,000, which resulted in the before-mentioned judgment.

The judgment was made against Gen. Earle by the New Jersey Supreme Court. The judgment was made against Gen. Earle by the New Jersey Supreme Court.

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